

EXHIBIT L

Transcribed Trial Testimony of Romy
Tota that was video recorded and
played for the Jury

RomyTota-editedfortrial

Designation List Report



Tota, Romy

2025-06-30

Our Designations

01:12:07

TOTAL RUN TIME

01:12:07



RomyTota-editedfortrial

DESIGNATION	SOURCE	DURATION	ID
4:16 - 4:19	Tota, Romy 2025-06-30 4:16 ROMY TOTA, Ed.D., was called 4:17 as a witness, and after having been duly sworn 4:18 remotely, according to the law, was examined and 4:19 testified as follows:	00:00:07	RomyTota-edited fortrial.9
4:24 - 29:09	Tota, Romy 2025-06-30 4:24 Q. Good morning, Doctor. Could you 4:25 please introduce yourself to the jury? 5:01 A. Good morning. My name is Dr. Romy 5:02 Tota and I am a vocational rehabilitation consultant 5:03 and also a vocational expert. 5:04 Q. What is a vocational rehabilitation 5:05 consultant and vocational expert? What do you do in 5:06 that field? 5:07 A. So what we do is evaluate the impact 5:08 of some incident, whether it was an injury or 5:09 accident of some sort, on a person's ability to earn 5:10 an income following this incident. 5:11 Q. And did you perform that type of 5:12 evaluation here for Jacques Desrosiers? 5:13 A. Yes, I did. 5:14 Q. Okay. We'll get into your opinions a 5:15 bit later. But as part of your analysis, did you 5:16 look at whether Mr. Desrosiers could return to work 5:17 as a police officer? 5:18 A. Yes. That is a factor that I 5:19 analyzed. 5:20 Q. And did you also evaluate to the 5:21 extent he cannot return as a police officer whether 5:22 Mr. Desrosiers would be a realistic candidate for 5:23 other jobs? 5:24 A. Yes, I did. 5:25 Q. Okay. Before we get into those 6:01 opinions, I'd like the jury to learn a little bit 6:02 more about yourself, who you are and what you do. 6:03 Can you tell the jury about your 6:04 background? You can start with your education. 6:05 A. Sure. So in order to do the work I 6:06 do, everybody generally has a background in 6:07 counseling psychology or rehabilitation psychology	00:32:05	RomyTota-edited fortrial.10

DESIGNATION	SOURCE	DURATION	ID
6:08	or a related field.		
6:09	So I have three degrees in counseling		
6:10	psychology. I have my Bachelor's degree from		
6:11	Albright College. After a few years, I continued my		
6:12	education at Temple University and received a		
6:13	Master's degree in counseling psychology.		
6:14	Then about 15 years later, I went back		
6:15	for my doctorate. So I now have a doctorate degree,		
6:16	it's an Ed.D. It's a doctorate in education and		
6:17	it's in the field of counseling psychology. To		
6:18	complement -- is it okay if I go ahead?		
6:19	Q. Yeah, please.		
6:20	A. Okay. To complement my education, of		
6:21	course, I have a related work history.		
6:22	So after I obtained my Master's degree		
6:23	from Temple, I did my first job in vocational		
6:24	rehabilitation and I was hired by a private company.		
6:25	And what we did is we helped people, injured workers		
7:01	who were out on Workers' Compensation, and we helped		
7:02	them return to the workforce. That entailed		
7:03	performing these evaluations to understand		
7:04	somebody's work potential including their education		
7:05	and work background and then also aiding them in		
7:06	job-seeking skills, finding jobs, interviewing for		
7:07	jobs, and hopefully returning to the workforce. So		
7:08	I did that type of work for about five years.		
7:09	I also worked in private mental health		
7:10	counseling where I handled a lot of different types		
7:11	of psychiatric disorders: depression, anxiety,		
7:12	stress. And, ultimately, I returned to the field of		
7:13	vocational rehabilitation in 2010 where I started		
7:14	really focusing more on forensic type evaluations,		
7:15	cases that had gone to court, with personal injury.		
7:16	Q. Let me stop you there and thank you		
7:17	for all of that.		
7:18	So some doctors can be board certified		
7:19	in what they do. Do you have a board certification?		
7:20	A. Yes. So vocational experts also have		
7:21	a board certification and it's through the ABVE.		
7:22	That's the American Board of Vocational Experts.		
7:23	And I have been board certified since 2020 to be a		

DESIGNATION	SOURCE	DURATION	ID
7:24	board certified vocational expert.		
7:25	And since that time , I've also --		
8:01	aside from being a certified member of the ABVE, I'm		
8:02	on the board of directors and I'm currently the		
8:03	president-elect just indicative of my sincere		
8:04	involvement in this field and doing this type of		
8:05	work to the best of one's ability.		
8:06	Q. And that group, the American Board of		
8:07	Vocational Experts, it might be obvious from the		
8:08	name, but is that a collection of vocational experts		
8:09	from around the country?		
8:10	A. From around the country, yes. We're		
8:11	nationwide. We're a small group, but we are		
8:12	individuals who really want to make sure that we're		
8:13	performing at the top of what our field requires.		
8:14	Q. When you say it's a small group, can		
8:15	you give me an approximation for how many members do		
8:16	what you do throughout America as part of that		
8:17	group?		
8:18	A. So as part of our group, I believe		
8:19	there's currently 390 active individuals who are		
8:20	certified or otherwise affiliated with the American		
8:21	Board of Vocational Experts.		
8:22	Q. And you said you will be president of		
8:23	the organization when?		
8:24	A. So my presidency would start in two		
8:25	years from now.		
9:01	Q. Okay. Do you also teach in the field?		
9:02	A. So I teach in the field in the respect		
9:03	that I do offer occasionally some CEU credit hours		
9:04	where I'll sponsor a short program for that.		
9:05	I have taught at Grand Canyon		
9:06	University in the past, but mostly in the field of		
9:07	counseling psychology. But most of my teaching now		
9:08	is limited to CEU hours, maybe offered through ABVE.		
9:09	Q. Does that mean that you are providing		
9:10	presentations that other vocational experts attend?		
9:11	A. Correct.		
9:12	Q. Now I want to just separate what you		
9:13	did in the '90s and what you do today.		
9:14	I understand for some period of time,		

DESIGNATION	SOURCE	DURATION	ID
	9:15 you became a mother and you were a full-time mom.		
	9:16 Right?		
	9:17 A. Right. So I raised a family in		
	9:18 between too.		
	9:19 Q. Okay. So let's talk about this Stage		
	9:20 1. That would be you actually evaluating people who		
	9:21 had been injured to see if they can be placed		
	9:22 somewhere?		
	9:23 A. Right. So it would be what you'd call		
	9:24 the hands-on work. Working directly with the		
	9:25 individual, following the evaluation to help them		
	10:01 find alternative work, providing them with job		
	10:02 leads, providing them with interviewing skills, and		
	10:03 really working towards re-entering people into the		
	10:04 workforce.		
	10:05 Q. And how does that differ from what you		
	10:06 do now?		
	10:07 A. So now, my focus is more evaluative.		
	10:08 So I still do the same type of evaluations, maybe in		
	10:09 a little bit more detail now.		
	10:10 I still perform vocational testing,		
	10:11 but my services end with the evaluation. I no		
	10:12 longer am actively attempting to place people into		
	10:13 the workforce. I'm only requested to provide an		
	10:14 evaluation.		
	10:15 Q. Do attorneys from time to time call		
	10:16 you to request that you do an evaluation for an		
	10:17 individual?		
	10:18 A. Yes, quite often.		
	10:19 Q. And we represent Mr. Desrosiers. He's		
	10:20 considered a plaintiff in this case.		
	10:21 Have you been retained by plaintiff		
	10:22 attorneys to perform evaluations?		
	10:23 A. Yes. I've been requested by both		
	10:24 plaintiff attorneys and also defense attorneys,		
	10:25 which I'm sure you're going to explain in a minute.		
	11:01 Q. That was my next question.		
	11:02 Attorneys like Ms. Devine who practice		
	11:03 on the defense side, you've worked with and have		
	11:04 been retained by defense lawyers?		
	11:05 A. Yes. My caseload, I don't know if		

DESIGNATION	SOURCE	DURATION	ID
	11:06	it's good or bad, but it's generally 50/50. About	
	11:07	half of my cases I've been hired from plaintiff	
	11:08	attorneys and the other half from defense attorneys.	
	11:09	Q. Okay. Going back to when you were	
	11:10	actually placing people.	
	11:11	Can you give us some approximation of	
	11:12	how many people you were involved in determining	
	11:13	whether they could be placed back into the job	
	11:14	market?	
	11:15	A. So it's been quite a while ago. So	
	11:16	but I did it over a period of five years and I think	
	11:17	we generally had ongoing caseloads of 30 or 40	
	11:18	individuals at a time.	
	11:19	So I have -- over those five years, I	
	11:20	have worked with hundreds of different individuals	
	11:21	from different backgrounds with different types of	
	11:22	injuries attempting to return them into the labor	
	11:23	market.	
	11:24	Q. And how about what you do now? When	
	11:25	you do these forensic examinations, can you	
	12:01	approximate how many times you've done those?	
	12:02	A. So I think I have done close to 500 or	
	12:03	perhaps more different vocational evaluations. And	
	12:04	let me temper that a little bit by stating that that	
	12:05	work has been done since 2018. Even though I've	
	12:06	been working in the background as a vocational	
	12:07	expert, I had a lot of on-the-job training and	
	12:08	mentorship and preparing myself to be an expert,	
	12:09	right, and that takes some time and a number of	
	12:10	years.	
	12:11	But since 2018, I've been authoring my	
	12:12	own reports and providing my own expert opinions.	
	12:13	And, since that time, I've probably done close to	
	12:14	500 or a little over 500 different cases.	
	12:15	Q. And before then, you were working with	
	12:16	another vocational expert?	
	12:17	A. Yes. Before then, since 2010, I was	
	12:18	working with Ms. Rosalyn Pierce and she had been a	
	12:19	vocational expert for over 47 years. So she was my	
	12:20	mentor, my teacher, and I worked with her in	
	12:21	providing medical reviews, vocational research,	

DESIGNATION	SOURCE	DURATION	ID
	12:22 identifying and classifying jobs.		
	12:23 So even though I had been working at		
	12:24 it much longer in terms of authoring reports and		
	12:25 offering expert opinions, that began in 2018.		
	13:01 Q. Is it fair to say that in all of your		
	13:02 work, placing, working under the mentorship of a		
	13:03 vocational expert, and, in fact, for the last seven		
	13:04 years being a vocational expert yourself, you have		
	13:05 been involved in evaluations of over a thousand		
	13:06 people who have either been placed or evaluated for		
	13:07 whether they can return to the job market?		
	13:08 A. Yes.		
	13:09 Q. Have you ever done something like that		
	13:10 for law enforcement, meaning evaluating or placing		
	13:11 someone who was a police officer?		
	13:12 A. Yes. Back when I was actually doing		
	13:13 the rehabilitation work, I had worked with injured		
	13:14 police officers and I've also evaluated police		
	13:15 officers in the course of this type of evaluative		
	13:16 forensic work.		
	13:17 Q. And in some of those situations, were		
	13:18 you able to find reasonable alternative employment		
	13:19 opportunities for those police officers?		
	13:20 A. Yes. There are occasions where if a		
	13:21 police officer cannot go back to his pre-injury job		
	13:22 as a patrol officer, there are alternative maybe		
	13:23 lighter duty work that they can do and I have placed		
	13:24 prior police officers in other jobs. One that comes		
	13:25 to mind is a police officer became a dispatcher.		
	14:01 Q. Okay.		
	14:02 A. So there are sometimes alternative		
	14:03 types of employment available to those injured		
	14:04 workers.		
	14:05 Q. And have there been times when you've		
	14:06 either worked with or evaluated police officers		
	14:07 where your determination is that they were unable to		
	14:08 find alternative employment?		
	14:09 A. Yes. Unfortunately, that happens as		
	14:10 well where their injuries prohibit any type of		
	14:11 return to work.		
	14:12 Q. Dr. Tota, do you believe that you are		

DESIGNATION	SOURCE	DURATION	ID
14:13	competent and qualified and capable of providing		
14:14	information to the jury about Mr. Desrosiers'		
14:15	employability following this October 2019 incident?		
14:16	A. Yes. Not only do I believe I'm		
14:17	competent and qualified, but obviously the board,		
14:18	the certifying board, believes so too. So, yes, I'm		
14:19	qualified to perform this type of evaluation.		
14:20	Q. Thank you.		
14:21	ATTORNEY ZIMMERMAN: At this time, I		
14:22	offer Dr. Tota as an expert in vocational		
14:23	rehabilitation and evaluation and we'll pass the		
14:24	questions along if Ms. Devine has any.		
14:25	ATTORNEY DEVINE: I have no objection.		
15:01	No questions either.		
15:02	ATTORNEY ZIMMERMAN: All right. Thank		
15:03	you.		
15:04	-- DIRECT EXAMINATION --		
15:05	BY ATTORNEY ZIMMERMAN:		
15:06	Q. So, Dr. Tota, I want to start talking		
15:07	about this case.		
15:08	A. Okay.		
15:09	Q. The incident was some time ago. I		
15:10	just want to make sure that we're on the same page.		
15:11	You did meet Mr. Desrosiers?		
15:12	A. I did meet Mr. Desrosiers and, yes,		
15:13	the incident was some time ago. It was in 2019.		
15:14	Q. So how old was Mr. Desrosiers at the		
15:15	time he was injured?		
15:16	A. At the time that he was injured in		
15:17	2019, he was 57 years old.		
15:18	Q. You did an interview and assessment		
15:19	last year?		
15:20	A. I did, almost a year ago to date.		
15:21	We're about two weeks short. Yep.		
15:22	Q. Okay. And how old was he when you		
15:23	performed your evaluation?		
15:24	A. He was 62 years old at that time.		
15:25	Q. If it's about a year ago --		
16:01	A. So he'd be --		
16:02	Q. -- 63 now?		
16:03	A. He'd be 63 now, yes.		

DESIGNATION	SOURCE	DURATION	ID
16:04	Q. Okay. So what did you do to perform		
16:05	your evaluation in this case?		
16:06	A. Okay. So I met Mr. Desrosiers		
16:07	virtually, which is a common -- especially since the		
16:08	pandemic, it's certainly become much more common to		
16:09	do virtual interviews. I use a HIPAA-compliant		
16:10	platform that's typically used in counseling		
16:11	sessions and I perform what we call a clinical		
16:12	interview and that's my opportunity to gather data		
16:13	from Mr. Desrosiers about his background.		
16:14	Of course my questions would always be		
16:15	geared towards somebody's ability to work. So I		
16:16	would ask him about his educational background, the		
16:17	different jobs that he's had in the past. I perform		
16:18	vocational testing and we do talk about the medical		
16:19	treatment and how he's feeling at the time of my		
16:20	evaluation. So it's an opportunity to gather		
16:21	information.		
16:22	Q. Would it be fair to categorize your		
16:23	evaluation into three categories: record review,		
16:24	interview, and testing?		
16:25	A. Yes. So we like to match our data		
17:01	points. So in addition to my interview and		
17:02	administering vocational testings, we perform a		
17:03	records review, which is generally medical records		
17:04	to understand the nature of the injury and any		
17:05	residual disability, employment records, and income		
17:06	records are also important to understand what his		
17:07	pre-injury earnings were.		
17:08	Q. And did you do all three of those in		
17:09	this case, record review, interview, and testing of		
17:10	Mr. Desrosiers?		
17:11	A. Yes, I did.		
17:12	Q. In terms of the records, we'll go		
17:13	through the full list of injuries, but can you just		
17:14	give a general understanding of what the injuries		
17:15	were that Mr. Desrosiers sustained in this incident?		
17:16	A. Right. So Mr. Desrosiers sustained a		
17:17	gunshot wound to his penis, his scrotum, and into		
17:18	his thigh. So I reviewed medical records from		
17:19	urologists, orthopedists, neurologists, and		

DESIGNATION	SOURCE	DURATION	ID
	psychologists and psychiatry.		
17:20			
17:21	Q. Did you review any other records that		
17:22	were not necessarily related to the incident or did		
17:23	you learn anything else about Mr. Desrosiers'		
17:24	medical history outside of this incident?		
17:25	A. Yes, because during his recovery from		
18:01	his gunshot wound, he was also diagnosed with lung		
18:02	cancer.		
18:03	Q. And do you have an understanding of		
18:04	how the cancer has been treated and the current		
18:05	prognosis?		
18:06	A. I don't recall offhand. I believe he		
18:07	did receive treatment and I don't remember that		
18:08	there was any ongoing treatment since that time.		
18:09	So my understanding would be that it		
18:10	would be in remission at this point.		
18:11	Q. Okay. In terms of the interview with		
18:12	Mr. Desrosiers, I'm sure you don't time it with a		
18:13	stopwatch, but can you give me an idea of generally		
18:14	how long you do those interviews?		
18:15	A. Right. So I generally allow two and a		
18:16	half hours for these interviews. It's an hour and a		
18:17	half to collect the clinical data, the interview		
18:18	portion, and then generally an hour for the		
18:19	vocational testing.		
18:20	Q. Okay. So that two and a half hours is		
18:21	one-on-one for about 90 minutes and then Mr.		
18:22	Desrosiers is doing actual tests for an hour?		
18:23	A. Correct.		
18:24	Q. Can you give just a general		
18:25	understanding of Mr. Desrosiers' educational		
19:01	history?		
19:02	A. Yes. So what's important to know		
19:03	about Mr. Desrosiers, that he is native of Haiti and		
19:04	he received his high school education in Haiti and		
19:05	actually dropped out of school in his 12th grade,		
19:06	but then obtained a GED in 1984.		
19:07	After obtaining his GED, he attended		
19:08	the police academy for a six-month program and		
19:09	became a police officer in 1996 and also joined the		
19:10	policemen's union at that time.		

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19:11	But Mr. Desrosiers was a big proponent		
19:12	of education and he continued to educate himself.		
19:13	And he graduated from Curry College, which is in		
19:14	Milton, Massachusetts. He got a Bachelor's degree		
19:15	in liberal arts and criminal justice.		
19:16	And then he decided he would go to law		
19:17	school and he actually completed law school and		
19:18	graduated from the Massachusetts School of Law in		
19:19	2012. However, he advised me that it was never his		
19:20	intention to become a lawyer. So he never sat for		
19:21	the law bar exam to become a lawyer, but he does		
19:22	have that education.		
19:23	Q. And how about his work history? I		
19:24	know you said that he went to the police academy.		
19:25	What did he do before the police		
20:01	academy and tell me his career as a police officer.		
20:02	A. So Mr. Desrosiers has been or had been		
20:03	a police officer for over 24 years.		
20:04	So once he graduated the police		
20:05	academy, he worked since 1996 up until the date of		
20:06	this incident in 2019 as a patrolman. He enjoyed		
20:07	working in the community and he helped maintain the		
20:08	law in the community of Cambridge where he was		
20:09	employed.		
20:10	Prior to becoming -- well, let me back		
20:11	up a minute because over that extensive background		
20:12	as a police officer, he had been sent out on special		
20:13	assignments. He was a humanitarian. He went back		
20:14	to Haiti and worked in Haiti to help them with their		
20:15	police department.		
20:16	He had received different		
20:17	accommodations and also I believe that he was highly		
20:18	regarded in his department for the work that he did.		
20:19	Q. Based on your evaluation, did he seem		
20:20	like a good police officer?		
20:21	A. He had received positive -- positive		
20:22	work feedback and write-ups and he enjoyed what he		
20:23	did and I think he was very well-liked in his		
20:24	department.		
20:25	Q. Based on your observation and your		
21:01	knowledge of his testing, did he seem like a bright		

DESIGNATION	SOURCE	DURATION	ID
	21:02 guy?		
	21:03 A. He was a very bright guy. I'm sure		
	21:04 we'll talk more in detail about the testing, but his		
	21:05 aptitude scores were high and his interest scores		
	21:06 were exactly that you would expect of a police		
	21:07 officer. He had very high scores in the field of		
	21:08 protective industry and also humanitarian.		
	21:09 So I believe that the testing that he		
	21:10 performed shows a very accurate depiction of his		
	21:11 aptitudes for work and also his interests in work.		
	21:12 Q. As part of the record interview, did		
	21:13 you actually review his wage history?		
	21:14 A. Yes, I did.		
	21:15 Q. And did you include that wage history		
	21:16 in your report?		
	21:17 A. I do. I include that because it's		
	21:18 important to understand what he was able to earn		
	21:19 prior to his injuries.		
	21:20 Q. I said report for the first time. Did		
	21:21 you actually write a report for this case?		
	21:22 A. Yes, I did.		
	21:23 Q. Okay. It looks like it's about 14		
	21:24 pages including your evaluation and the documents		
	21:25 you reviewed?		
	22:01 A. Yes.		
	22:02 Q. I'm going to share my screen and show		
	22:03 a chart from your report. We'll mark this as		
	22:04 Exhibit 701.		
	22:05 A. Okay.		
	22:06 Q. Can you see my screen?		
	22:07 A. Yes, I can.		
	22:08 Q. Can you identify what this chart		
	22:09 shows?		
	22:10 A. Yes. So that's actually on Page 4 of		
	22:11 my report and that is a chart that I put together to		
	22:12 illustrate someone's pre-injury earnings in a clear		
	22:13 and concise manner.		
	22:14 So you can see from the years 2012 to		
	22:15 2019 when his injury occurred, that it was in		
	22:16 October of 2019, what his earnings were as a police		
	22:17 officer. You can see how it had increased over the		

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	22:18 years.		
	22:19 Then obviously in 2019, there's a bit		
	22:20 of a decrease because he did not work the last two		
	22:21 months of the year.		
	22:22 Q. Okay. And why is this relevant for		
	22:23 you and what you do?		
	22:24 A. Because that was his pre-injury		
	22:25 earning potential. You can see that in 2017 and		
	23:01 2018, the two full years prior to this incident, he		
	23:02 was earning well above \$160,000 a year. In 2017, he		
	23:03 had earned \$166,991. So almost \$167,000.		
	23:04 That is pre-injury earning potential		
	23:05 before this incident happened. So it is important		
	23:06 to understand what he was capable of earning as		
	23:07 compared to what his residual earning potential may		
	23:08 be.		
	23:09 Q. Mr. Desrosiers, was he married?		
	23:10 A. Yes. He was married and he had four		
	23:11 children. I believe they're all considered adults		
	23:12 now because they're over the age of 18. But at the		
	23:13 time of his gunshot, he had two twin children that		
	23:14 were 19 that he was putting through college at the		
	23:15 time.		
	23:16 So even though they're considered		
	23:17 adults, they're really still youngsters, 19, and		
	23:18 just heading off to college and still living at home		
	23:19 during the summers.		
	23:20 Q. You talked about determining Mr.		
	23:21 Desrosiers' pre-incident work capacity and earnings		
	23:22 potential. We'll talk about it in a moment.		
	23:23 Did you also look at Mr. Desrosiers'		
	23:24 post-incident work capacity and earning potential?		
	23:25 A. Yes, I did. So in order -- all right.		
	24:01 So this is the true analysis. Right? In order to		
	24:02 understand what someone's post-accident earning		
	24:03 potential is, there's a number of things that need		
	24:04 to be learned. Right?		
	24:05 So in their educational level, what		
	24:06 their aptitudes are. So the education level comes		
	24:07 from the clinical interview, the aptitudes come from		
	24:08 the testing.		

DESIGNATION	SOURCE	DURATION	ID
	24:09	We look at transferrable skills.	
	24:10	Skills that you can take from one job and use them	
	24:11	in another occupation.	
	24:12	Q. Let's talk about police officers.	
	24:13	A. Okay.	
	24:14	Q. What are the job qualifications or job	
	24:15	descriptions for a police officer and what he had to	
	24:16	do?	
	24:17	A. All right. So in order to perform our	
	24:18	job, I -- we obtain a description of the job from	
	24:19	the individual, but we also use our resources to	
	24:20	help classify that job because it's that	
	24:21	classification that then tells us our transferrable	
	24:22	skills and worker traits.	
	24:23	So he worked as a patrol officer on	
	24:24	the beat. He had an area that he was responsible	
	24:25	for patrolling. So he would maintain law and order.	
	25:01	He might have to apprehend somebody or arrest	
	25:02	somebody or come in on call for disturbances of the	
	25:03	peace or something like that. Right? So that's	
	25:04	what he did. He actually patrolled a specific	
	25:05	vicinity.	
	25:06	Police officers have what they call	
	25:07	some transferrable skills that are related to that	
	25:08	job. Those have to do with understanding laws and	
	25:09	rules about safety and how to enforce them, how to	
	25:10	organize and direct the work and plan the work of	
	25:11	others, of course using weapons skillfully and also	
	25:12	the ability to use physical strength in emergent	
	25:13	situations.	
	25:14	Q. Let me ask about that. Are jobs	
	25:15	classified by the need for physical strength or	
	25:16	physical capabilities?	
	25:17	A. So jobs are classified in four major	
	25:18	categories: by their title, the name of the job,	
	25:19	the name of the occupation, the police officer.	
	25:20	Then they're given a code, right, an industry code	
	25:21	so that we can all refer to the same position and	
	25:22	then they're classified in terms of the strength	
	25:23	required to perform the job.	
	25:24	Q. How does that break down?	

DESIGNATION	SOURCE	DURATION	ID
25:25	A. Right? So strength could be anywhere		
26:01	from a sedentary job, which is one that's performed		
26:02	primarily sitting with minimal standing or walking,		
26:03	but negligible lifting. Right? Lifting and		
26:04	carrying of under ten pounds all the way up to heavy		
26:05	duty work, which is, you know, standing on your feet		
26:06	all day, lots of climbing, bending, and lifting and		
26:07	carrying up to 100 pounds.		
26:08	So police work is considered medium		
26:09	duty work. So you're on your feet a majority of the		
26:10	time and there is lifting requirements up to 50		
26:11	pounds.		
26:12	Q. Is being a police officer considered		
26:13	an unskilled or skilled job and what do you do to		
26:14	evaluate that?		
26:15	A. Right. So being a police officer is		
26:16	considered a skilled job. So we use the Dictionary		
26:17	of Occupational Titles. That's the big book that		
26:18	classifies all the different jobs available and		
26:19	police work is considered skilled and we call it		
26:20	Level 6.		
26:21	So work is broken down into three		
26:22	skill levels. We have unskilled work that takes,		
26:23	you know, anywhere from a quick description or		
26:24	example of how to perform the work up to maybe three		
26:25	months of doing the work to become fully trained and		
27:01	efficient at your job.		
27:02	So we have unskilled work, we have		
27:03	semiskilled work, and then -- and those would be		
27:04	Levels 3 and 4. Then skilled work starts at Level 5		
27:05	and goes up to Level 9.		
27:06	Q. And Mr. Desrosiers would be considered		
27:07	a skilled worker?		
27:08	A. He's a skilled worker and that		
27:09	includes training time as well as experience time.		
27:10	Q. Okay. So Part 1 in terms of if Mr.		
27:11	Desrosiers can go back to work, can he still be a		
27:12	police officer?		
27:13	A. So the answer to that is no.		
27:14	Q. Why?		
27:15	A. Well, two parts. According in my		

DESIGNATION	SOURCE	DURATION	ID
	27:16	records review, he had undergone a fitness for duty	
	27:17	evaluation and it was determined that he was not fit	
	27:18	to return to work as a police officer.	
	27:19	Q. After the incident?	
	27:20	A. After the incident, yes.	
	27:21	Q. You said there were a couple of	
	27:22	reasons. Is that one of them?	
	27:23	A. Well, that's one of them. And so Part	
	27:24	2 is, you know, the rest of the review of the	
	27:25	medical records, you know, Mr. Desrosiers sustained	
	28:01	physical and psychological injuries that prohibit	
	28:02	him from working as a police officer. So whether	
	28:03	it's for Cambridge or any other area, he cannot work	
	28:04	as a police officer.	
	28:05	Q. Can you just give me some of the	
	28:06	examples and reasons for why Mr. Desrosiers can't go	
	28:07	back to the job that he had for 24 years?	
	28:08	A. So he has a number of physical	
	28:09	reasons. He has weakness of the leg, he has ongoing	
	28:10	pain, his knee buckles, he isn't able to run and do	
	28:11	quick turns. He has psychological injuries where he	
	28:12	is overreactive. He's anxious, he's depressed. He	
	28:13	has symptoms of post-traumatic stress disorder, he's	
	28:14	easily irritated, he becomes overwhelmed.	
	28:15	These are all conditions that would	
	28:16	make police work impossible for him.	
	28:17	Q. Has he had to use medications as a	
	28:18	result of the incident to your understanding?	
	28:19	A. Yes, he's on medication. He's	
	28:20	involved in pain management and these medications	
	28:21	may also have some side effects such as tiredness	
	28:22	that would affect his ability to be sharp and alert.	
	28:23	Q. Is he also taking medication for	
	28:24	anxiety and depression?	
	28:25	A. Yes.	
	29:01	Q. Dr. Tota, there are a lot of different	
	29:02	injuries that Mr. Desrosiers sustained.	
	29:03	Did we look at a list together to help	
	29:04	illustrate for the jury those injuries?	
	29:05	A. Yes.	
	29:06	Q. And I'm going to share my screen. Is	

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DESIGNATION	SOURCE	DURATION	ID
	29:07 this a list of the injuries and diagnoses and		
	29:08 treatment that you reviewed and relied upon?		
	29:09 A. Yes, that is.		
31:01 - 39:20	Tota, Romy 2025-06-30	00:12:46	RomyTota-edited fortrial.2
	31:01 Q. Dr. Tota, I'll share that document		
	31:02 with you. We'll mark it as 702 for demonstrative		
	31:03 purposes only.		
	31:04 Is this a document you looked at in		
	31:05 trying to list and identify the injuries and		
	31:06 diagnoses and treatment?		
	31:07 A. Yes, it is.		
	31:08 Q. Okay. Now I asked you if Mr.		
	31:09 Desrosiers could return to work as a cop and you		
	31:10 answered that question.		
	31:11 In your opinion, would Mr. Desrosiers		
	31:12 be able to find alternative employment in the		
	31:13 workforce?		
	31:14 A. So I did an analysis to see if there		
	31:15 was any alternative work or other than working as a		
	31:16 police officer that he could do and, unfortunately,		
	31:17 that analysis did not produce any other occupation.		
	31:18 So I found him to be totally vocationally disabled.		
	31:19 Q. Was your opinion that he is totally		
	31:20 vocational disabled based at least in part on the		
	31:21 injuries and symptoms and diagnoses and treatment		
	31:22 that are outlined here?		
	31:23 A. Yes.		
	31:24 Q. So tell us -- and I'm going to just		
	31:25 minimize it a bit so it can all be on the page.		
	32:01 Tell us, what about this information		
	32:02 precludes Mr. Desrosiers from being able to work in		
	32:03 other jobs?		
	32:04 A. In other jobs, well, ongoing pain and		
	32:05 muscle spasms. Depending on the job, if it's a job		
	32:06 that requires walking or moving about, the fact that		
	32:07 the knee buckles. Depending on the job, certainly		
	32:08 the police officer job, the fact that he cannot run,		
	32:09 that he cannot lift heavy objects.		
	32:10 Then with regard to his psychological		
	32:11 injuries, almost all of those, the anxiety,		

DESIGNATION	SOURCE	DURATION	ID
32:12	depression, interrupted sleep with nightmares,		
32:13	intrusive thoughts, socially withdrawn, difficulty		
32:14	concentrating, feeling vulnerable in the community,		
32:15	even being startled by loud noises, feeling unsafe		
32:16	in public, difficulty managing his moods such as		
32:17	feeling angry or being overreactive, all of those		
32:18	psychological symptoms would impair an individual's		
32:19	ability to effectively and efficiently work in a		
32:20	job.		
32:21	Q. So when you rendered Mr. Desrosiers		
32:22	disabled from the workforce, was it based upon his		
32:23	physical injuries and diagnoses or his psychological		
32:24	injuries and diagnoses?		
32:25	A. It was based on the combination of the		
33:01	two, his physical injuries and his psychological		
33:02	injuries.		
33:03	Q. Okay. So it's one thing to look at a		
33:04	list, but tell me what you did to satisfy yourself		
33:05	as to whether or not he could find another job.		
33:06	A. Okay. So the analysis of someone's		
33:07	post-injury ability to work, with all of that		
33:08	classification of the jobs that we did earlier on in		
33:09	the assessment, there's a way to look for jobs based		
33:10	on physical requirements. So you can limit lifting		
33:11	to a certain amount, you can limit the amount of		
33:12	time standing or walking, you can also limit the		
33:13	time bending or squatting or crawling.		
33:14	But there's also psychological factors		
33:15	that you can limit and that's why looking at those		
33:16	transferable skills and some of those worker traits		
33:17	is important because working effectively under		
33:18	stress, I can separate any job that would require		
33:19	that and that might be police officer, it might be		
33:20	nurse, it might be paramedic, or EMT. You can see		
33:21	certainly in a sense certain jobs that would require		
33:22	that.		
33:23	So finding a job that met his physical		
33:24	and psychological needs really resulted in no jobs		
33:25	in the labor market.		
34:01	Q. What psychological diagnoses did he		
34:02	have that factored into your assessment?		

DESIGNATION	SOURCE	DURATION	ID
34:03	A. So he had anxiety, he had depression,		
34:04	he was diagnosed with post-traumatic stress disorder		
34:05	and another doctor diagnosed him with another		
34:06	stress-related disorder. He had the nightmares,		
34:07	which is really a symptom and not a diagnosis.		
34:08	So we can talk about the different		
34:09	psychological symptoms, as well. But in terms of		
34:10	diagnosis, it's anxiety, depression, PTSD, and other		
34:11	stress disorders.		
34:12	Q. When you were searching for jobs for		
34:13	Mr. Desrosiers, what were the most significant		
34:14	limiting factors for him, both from a physical and		
34:15	psychological standpoint?		
34:16	A. The limiting factors are his ability		
34:17	to stand, walk, and move and then his psychological		
34:18	factors.		
34:19	Q. You said "stand, walk, and move." Mr.		
34:20	Desrosiers would be in the courtroom standing and		
34:21	moving at times.		
34:22	How do you distinguish that versus		
34:23	standing, walking, and moving from what you're		
34:24	talking about?		
34:25	A. So there's the ability to sustain a		
35:01	job for an eight-hour day. Right? So his ability		
35:02	to stand, walk, and move as part of a job when he		
35:03	has pain, chronic pain, and a knee that buckles,		
35:04	that would limit his ability to engage in certain		
35:05	activities that may be required on the job.		
35:06	Q. How about for the psychological items?		
35:07	Were there limiting factors that you used in your		
35:08	job search for the psychological injuries and		
35:09	symptoms that he had?		
35:10	A. Yes. So due to his symptoms, his		
35:11	psychological symptoms, and his social isolation,		
35:12	one of the probably more limiting factors was		
35:13	working around others. So when you search for jobs		
35:14	that allow someone to work in social isolation such		
35:15	as a truck driver, for instance, that becomes a		
35:16	limiting factor.		
35:17	That is important in Mr. Desrosiers'		
35:18	case because he has a lot of social stressors. He		

DESIGNATION	SOURCE	DURATION	ID
35:19	feels vulnerable in public, he likes to withdraw, he		
35:20	feels better when he's withdrawn from the public, he		
35:21	has -- feels vulnerable and fearful in situations,		
35:22	public situations.		
35:23	So in order to be successful on a job,		
35:24	it is prudent to find a job that he could perform		
35:25	and that wouldn't be interfered with in some way by		
36:01	his symptoms and diagnosis. So those psychological		
36:02	factors were very important to determine if there		
36:03	was other suitable work he could engage in		
36:04	confidently.		
36:05	Q. How do the ethics of job placement		
36:06	factor in?		
36:07	A. So an ethical consideration for job		
36:08	placement is not -- job placement isn't about		
36:09	finding a job, any job. It's really -- the ethical		
36:10	nature of that is finding a realistic position that		
36:11	somebody could perform over an extended period of		
36:12	time. Is this a job that he can get and is it a job		
36:13	that he could sustain and maintain for the rest of		
36:14	his work life?		
36:15	Q. Talk about his age and how, if at all,		
36:16	that factors into finding a new career.		
36:17	A. So, remember, at the time of my		
36:18	evaluation of him, he was 62 years old. So when we		
36:19	look at individuals and how adaptable are they to		
36:20	new careers we'll call it, right, to a big change in		
36:21	their work expectation, the younger you are, the		
36:22	more amenable and adaptable you are. The older you		
36:23	are, the more difficult it becomes to change your		
36:24	thinking or learn new skills.		
36:25	He was already 62 years old at the		
37:01	time that I interviewed him. So that means when I'm		
37:02	looking at jobs for Mr. Desrosiers, I need something		
37:03	that is similar. Either similar in industry or uses		
37:04	similar transferrable skills, uses similar worker		
37:05	traits. So that -- as you get older, that becomes		
37:06	more and more limiting.		
37:07	Q. In terms of Mr. Desrosiers' plan, did		
37:08	he express to you whether he liked being a police		
37:09	officer and would have continued being a police		

DESIGNATION	SOURCE	DURATION	ID
	37:10 officer had this not happened?		
	37:11 A. Mr. Desrosiers was dedicated to being		
	37:12 a police officer. He was a patrol officer for his		
	37:13 entire 24-year career. He would have continued		
	37:14 being a police officer as long as they would have		
	37:15 let him.		
	37:16 So, clearly, through his retirement		
	37:17 and then who knows what he could have done. There		
	37:18 are post-retirement jobs that police officers take		
	37:19 after they retire from the force.		
	37:20 Q. Did he indicate to you when he planned		
	37:21 to work until?		
	37:22 A. So he had mentioned that he was hoping		
	37:23 to work until the age of 70 in some capacity.		
	37:24 Q. Did you use the age of 70 in terms of		
	37:25 figuring out how many years he has lost in the job		
	38:01 market?		
	38:02 A. So there's several ways to figure out		
	38:03 what someone's we call that work life expectancy.		
	38:04 It's how long will someone remain in the workforce.		
	38:05 I tend to use age 67 as the age of		
	38:06 retirement. By Social Security, that's when you're		
	38:07 entitled to 100 percent of your retirement benefits.		
	38:08 I use to the age of 67.		
	38:09 So in Mr. Desrosiers' case, that would		
	38:10 have been conservative as he said that he probably		
	38:11 would have liked to have worked to age 70.		
	38:12 Q. Is there a mandatory retirement age in		
	38:13 Massachusetts?		
	38:14 A. Yes. So apparently age 65 is the		
	38:15 mandatory age of retirement that you have to leave		
	38:16 the police force.		
	38:17 Q. And how does that factor in? If		
	38:18 you're retiring at 65 and you want to work until 70		
	38:19 in that area, what options are available to someone		
	38:20 like Mr. Desrosiers if this incident didn't occur?		
	38:21 A. Right. So many times, police officers		
	38:22 begin working in the private sector. They'll either		
	38:23 work for a private security company, they'll find		
	38:24 other detail in the protective industry, they might		
	38:25 work in schools.		

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DESIGNATION	SOURCE	DURATION	ID
	39:01 So there are other jobs that if		
	39:02 somebody, you know, that requires some of those		
	39:03 skills like an investigator, a private eye, right.		
	39:04 So there are other jobs that retired police officers		
	39:05 will do after retirement if they're motivated to		
	39:06 continue working.		
	39:07 Q. Dr. Tota, just to summarize, Mr.		
	39:08 Desrosiers was 57 at the time of the incident.		
	39:09 A. Yes.		
	39:10 Q. From the time of the incident until		
	39:11 his work life expectancy, please tell the jury your		
	39:12 opinion.		
	39:13 A. Right. So I counted from 57 to age		
	39:14 67, he had ten years of work life remaining		
	39:15 minimally and an additional three if he was going to		
	39:16 work up to the age of 70.		
	39:17 Q. And as a result of the incident?		
	39:18 A. As a result of the incident, his work		
	39:19 life terminated at age 57 at the time of the		
	39:20 accident.		
40:06 - 42:02	Tota, Romy 2025-06-30	00:02:40	RomyTota-edited fortrial.3
	40:06 Q. Tell me the importance of not only		
	40:07 finding a job, but finding a job that someone can		
	40:08 maintain for a period of time.		
	40:09 A. Well, I think we've all seen incidents		
	40:10 of short-term jobs. We see that with our children.		
	40:11 They take a job and they don't last long. They find		
	40:12 they don't like it, it's not suited to them, or they		
	40:13 can't do it. That does not secure someone's		
	40:14 financial future. That is not a viable employment.		
	40:15 Finding employment for an individual		
	40:16 that is gainful, that is going to allow them to have		
	40:17 an earning over a period of time has to be a job		
	40:18 that, A, they can get that meets their employability		
	40:19 or requirements to get the job and it has to also		
	40:20 meet the placeability, the fact that they will		
	40:21 actually get hired for the job and that they can		
	40:22 stay in that job. Otherwise, it's not really		
	40:23 considered gainful employment.		
	40:24 Q. Has Mr. Desrosiers tried to take any		

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DESIGNATION	SOURCE	DURATION	ID
	40:25 classes or learn new skills to try to get back into		
	41:01 the job force?		
	41:02 A. So he did tell me that he took a real		
	41:03 estate course.		
	41:04 Q. Is that an appropriate job considering		
	41:05 his injuries and symptoms?		
	41:06 A. I appreciate his ambition to do it.		
	41:07 I'm not sure if he intended to actually work as a		
	41:08 realtor.		
	41:09 I don't think that being a realtor is		
	41:10 going to be a job that meets the limitations of his		
	41:11 physical demands or his psychological demands. This		
	41:12 is a position that makes you work out in the		
	41:13 community with people you don't know, could be under		
	41:14 difficult circumstances, and real estate agent was		
	41:15 not a position that identified itself as an		
	41:16 appropriate alternative employment for Mr.		
	41:17 Desrosiers.		
	41:18 Q. Based on your observations, did Mr.		
	41:19 Desrosiers present as someone who would have loved		
	41:20 to continue working had this incident not occurred?		
	41:21 A. I believe that had this incident not		
	41:22 occurred, he would have continued in his job as		
	41:23 patrol officer as long as they would let him do so.		
	41:24 Q. Dr. Tota, you've given opinions today.		
	41:25 Have all of the opinions that you've given been to a		
	42:01 reasonable degree of vocational certainty?		
	42:02 A. Yes, they have.		
42:14 - 46:23	Tota, Romy 2025-06-30	00:03:37	RomyTota-edited fortrial.4
	42:14 ATTORNEY ZIMMERMAN: Dr. Tota, those		
	42:15 are all the questions I have. Thank you very much.		
	42:16 THE WITNESS: Thank you.		
	42:17 - - CROSS-EXAMINATION - -		
	42:18 BY ATTORNEY DEVINE:		
	42:19 Q. Good morning, Dr. Tota.		
	42:20 A. Good morning.		
	42:21 Q. My name is Alaina Devine. I'm one of		
	42:22 the lawyers for Sig Sauer in this case. I'm going		
	42:23 to ask you a few questions.		
	42:24 A. Okay.		

DESIGNATION	SOURCE	DURATION	ID
42:25	Q. You were hired in this case by the		
43:01	plaintiff's attorneys. Correct?		
43:02	A. Yes.		
43:03	Q. And you charge approximately \$4,100 to		
43:04	conduct your vocational assessment. Correct?		
43:05	A. Yes.		
43:06	Q. And you charge \$2,500 for deposition		
43:07	and trial testimony that you're giving here today.		
43:08	Correct?		
43:09	A. Yes.		
43:10	Q. And it's true that 100 percent of your		
43:11	practice at this point is litigation related or		
43:12	serving as an expert witness. Correct?		
43:13	A. That is correct.		
43:14	Q. And that's been the case at least		
43:15	since 2018 by yourself and then since 2010 with		
43:16	another vocational expert. Correct?		
43:17	A. Yes.		
43:18	Q. You stated that you conducted your		
43:19	assessment of Mr. Desrosiers about a year ago		
43:20	virtually. Correct?		
43:21	A. Yes.		
43:22	Q. You've never met Mr. Desrosiers in		
43:23	person. Correct?		
43:24	A. Not in person.		
43:25	Q. And other than the assessment that you		
44:01	completed about a year ago, you've never spoken with		
44:02	him before or after that. Correct?		
44:03	A. That's correct.		
44:04	Q. You didn't speak to any of Mr.		
44:05	Desrosiers' treating providers. Correct?		
44:06	A. No, but I read medical records.		
44:07	Q. But you didn't call and speak to any		
44:08	of them. Correct?		
44:09	A. That's correct.		
44:10	Q. And you didn't speak to any of the		
44:11	other consulting experts in this case that were		
44:12	hired by the plaintiff's lawyers. Correct?		
44:13	A. That's correct.		
44:14	Q. That would include Dr. Romirowsky.		
44:15	Correct?		

DESIGNATION	SOURCE	DURATION	ID
	44:16 A. Correct.		
	44:17 Q. Dr. Von Keudell?		
	44:18 A. Correct.		
	44:19 Q. And in your vocational assessment that		
	44:20 you completed with Mr. Desrosiers, you explained to		
	44:21 him that no counseling relationship was implied or		
	44:22 intended. Correct?		
	44:23 A. Yes.		
	44:24 Q. And you explained to him that no		
	44:25 actual job placement is implied or intended.		
	45:01 Correct?		
	45:02 A. Correct.		
	45:03 Q. And your evaluation, as you stated on		
	45:04 direct, was an interview of Mr. Desrosiers and then		
	45:05 administering some tests including an interest and		
	45:06 aptitude test. Correct?		
	45:07 A. Yes.		
	45:08 Q. We went through some of this on		
	45:09 direct, but Mr. Desrosiers is a highly educated man.		
	45:10 Correct?		
	45:11 A. Yes, he is.		
	45:12 Q. He's trilingual. Is that right?		
	45:13 A. Yes.		
	45:14 Q. He has a Bachelor's degree in liberal		
	45:15 arts and criminal justice?		
	45:16 A. Yes.		
	45:17 Q. You mentioned he has a law degree that		
	45:18 he completed in 2012?		
	45:19 A. Yes.		
	45:20 Q. He completed an online real estate		
	45:21 course in 2023 after his injury. Correct?		
	45:22 A. Yes, but he never took the real estate		
	45:23 exam.		
	45:24 Q. Yes.		
	45:25 A. But he did the course, yes.		
	46:01 Q. Yes. You also have indicated		
	46:02 previously that he likes to read. Correct?		
	46:03 A. Yeah. In part of his spare time, he		
	46:04 likes to read.		
	46:05 Q. Education is important to him. Right?		
	46:06 A. Yes.		

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DESIGNATION	SOURCE	DURATION	ID
	<p>46:07 Q. And one of the activities that he's</p> <p>46:08 undertaken post-injury is he likes to walk almost</p> <p>46:09 every day to the library. Is that correct?</p> <p>46:10 A. Yes.</p> <p>46:11 Q. And you stated on direct, he was a</p> <p>46:12 police officer for more than 24 years. Right?</p> <p>46:13 A. Yes.</p> <p>46:14 Q. Did you review Mr. Desrosiers'</p> <p>46:15 employment file?</p> <p>46:16 A. No, I did not have that.</p> <p>46:17 Q. Okay. That wasn't something provided</p> <p>46:18 to you by the plaintiff's lawyers in this case.</p> <p>46:19 Correct?</p> <p>46:20 A. Correct.</p> <p>46:21 Q. You're aware in Massachusetts, police</p> <p>46:22 officers are eligible for their full pension after</p> <p>46:23 20 years of service?</p>		
47:08 - 47:22	<p>Tota, Romy 2025-06-30</p> <p>47:08 THE WITNESS: I don't recall, Alaina,</p> <p>47:09 if I asked him that question. I don't have my notes</p> <p>47:10 from the interview. I generally do ask about</p> <p>47:11 pension.</p> <p>47:12 At this point, I don't recall if he --</p> <p>47:13 if I asked him that and how he answered about</p> <p>47:14 eligibility for a pension after 20 years.</p> <p>47:15 BY ATTORNEY DEVINE:</p> <p>47:16 Q. We talked a little bit about the</p> <p>47:17 mandatory retirement age of 65 for police officers.</p> <p>47:18 Correct?</p> <p>47:19 A. Yes.</p> <p>47:20 Q. It's not uncommon is it, Dr. Tota, for</p> <p>47:21 police officers who are full pension eligible to</p> <p>47:22 retire before the age of 65. Correct?</p>	00:00:36	RomyTota-edited fortrial.5
48:03 - 62:12	<p>Tota, Romy 2025-06-30</p> <p>48:03 THE WITNESS: Okay. That may be</p> <p>48:04 someone's preference, but obviously not Mr.</p> <p>48:05 Desrosiers' because if he could have been eligible</p> <p>48:06 for a pension after 20 years, he was already in for</p> <p>48:07 24 years with the intent to work to age 70.</p> <p>48:08 So even though some people may choose</p>	00:15:38	RomyTota-edited fortrial.6

DESIGNATION	SOURCE	DURATION	ID
	48:09 that path, I don't see that that was his path.		
	48:10 BY ATTORNEY DEVINE:		
	48:11 Q. We talked about transferrable skills		
	48:12 for Mr. Desrosiers. Correct?		
	48:13 A. Yes.		
	48:14 Q. You would agree, Dr. Tota, that there		
	48:15 are a number of transferrable skills that Mr.		
	48:16 Desrosiers has post-injury from his work of more		
	48:17 than 24 years as a police officer. Correct?		
	48:18 A. Yes.		
	48:19 Q. That would include knowing laws and		
	48:20 safety rules and ways to enforce them. Correct?		
	48:21 A. Yes.		
	48:22 Q. That would include organizing and		
	48:23 planning the work of others. Correct?		
	48:24 A. Yes.		
	48:25 Q. That would include collecting and		
	49:01 organizing evidence in some fashion. Correct?		
	49:02 A. Yes.		
	49:03 Q. And that would include writing a clear		
	49:04 report. Correct?		
	49:05 A. Yes.		
	49:06 Q. And I believe you already stated this		
	49:07 on direct, but many police officers go on to have		
	49:08 second careers whether it be a new career or		
	49:09 something in the related police field, but something		
	49:10 different. Correct?		
	49:11 A. Yes. Some want to continue working		
	49:12 after they resign from the force. They will find		
	49:13 other related -- typically somewhat related		
	49:14 occupations, yes.		
	49:15 Q. You had Mr. Desrosiers complete an		
	49:16 interest and aptitude test. Correct?		
	49:17 A. Yes, called a career scope.		
	49:18 Q. Thank you. Could you describe for the		
	49:19 jury what that test is?		
	49:20 A. Sure. So it is a self-administered		
	49:21 computerized test. It measures two different areas.		
	49:22 The first area is vocational interests and the test		
	49:23 will describe job duties and an individual just		
	49:24 indicates whether or not that activity sounds		

DESIGNATION	SOURCE	DURATION	ID
49:25	vocationally interesting to them.		
50:01	How I usually address that with people		
50:02	that have had some sort of injury, I tell them that		
50:03	they're not supposed to think, oh, but I can't do		
50:04	that or I don't know how to do that. It's really		
50:05	whether or not that activity sounds interesting,		
50:06	like something you would like to do. So they just		
50:07	check whether it is something they would like or		
50:08	dislike or they're not sure if they would like or		
50:09	dislike.		
50:10	After the interest inventory, there		
50:11	are seven different aptitude tests. An aptitude is		
50:12	a skill. It's something that you learned, you		
50:13	learned it in school, you learned it on the job, you		
50:14	learned it through the course of life. It's things		
50:15	that can be measured, it's word meaning, it's		
50:16	mathematics, it's object identification, it's facial		
50:17	relations, it's things like that.		
50:18	Those are multiple choice tests and		
50:19	there's only one correct answer. So they work their		
50:20	way through those seven different aptitude tests.		
50:21	Q. And Mr. Desrosiers took that test in		
50:22	July 2024 post-injury. Correct?		
50:23	A. Yes, he did.		
50:24	Q. I'm going to share my screen.		
50:25	Dr. Tota, can you see what I have on		
51:01	the screen? This is Page 9 of your vocational		
51:02	evaluation.		
51:03	A. Yes, I see that.		
51:04	Q. And this top part here, is this the		
51:05	results of the aptitude test that Mr. Desrosiers		
51:06	took in July of 2024?		
51:07	A. Yes, it is.		
51:08	Q. It's fair to say, Dr. Tota, that Mr.		
51:09	Desrosiers in 2024 scored above average in most of		
51:10	these categories. Correct?		
51:11	A. Yeah. Well, in half the categories,		
51:12	he was above average. In the other three, he was in		
51:13	the high average.		
51:14	Q. Okay. His lowest score was verbal		
51:15	aptitude and that was 79th percentile. Correct?		

DESIGNATION	SOURCE	DURATION	ID
51:16	A. Correct.		
51:17	Q. His general learning score was 80th		
51:18	percentile. Correct?		
51:19	A. Yes.		
51:20	Q. His spatial aptitude was 86th		
51:21	percentile?		
51:22	A. Yes.		
51:23	Q. His numerical aptitude was 95th		
51:24	percentile. Correct?		
51:25	A. Yes.		
52:01	Q. His form perception was 99th		
52:02	percentile. Correct?		
52:03	A. Yes.		
52:04	Q. And his clerical perception was also		
52:05	99th percentile. Correct?		
52:06	A. Right. Those are attention to detail		
52:07	areas. He did very well in those.		
52:08	Q. And you described based on these test		
52:09	results that Mr. Desrosiers is a bright guy. Right?		
52:10	A. Yes.		
52:11	Q. You've testified on direct that you		
52:12	reviewed a number of medical records, physical		
52:13	therapy records, mental health treatment records for		
52:14	Mr. Desrosiers in connection with your work on this		
52:15	case. Correct?		
52:16	A. Yes.		
52:17	Q. Of those records you reviewed, you're		
52:18	not aware of any statements by any of the providers,		
52:19	evaluators, or in any of the records of those who		
52:20	examined or treated Mr. Desrosiers that Mr.		
52:21	Desrosiers has a mental disability that completely		
52:22	prevents him from maintaining any employment.		
52:23	Correct?		
52:24	A. So mental disability, are you talking		
52:25	cognitive disability? I did not see any indication		
53:01	that he has a cognitive disability.		
53:02	There is indication of a		
53:03	psychological. I don't know if you consider that		
53:04	mental or emotional. So I want to be clear about		
53:05	the difference between that.		
53:06	Q. I would include in that question the		

DESIGNATION	SOURCE	DURATION	ID
53:07	psychological disability. The issues you described,		
53:08	the records you reviewed.		
53:09	A. Okay. I would say yes. There is		
53:10	mention of psychological disability that affects his		
53:11	ability to work.		
53:12	Q. My question, Dr. Tota, was have any of		
53:13	these providers, experts, evaluators reached the		
53:14	opinion based on the records you reviewed that		
53:15	because of those psychological issues, he's		
53:16	completely prevented from working?		
53:17	A. No, but that is not what they are		
53:18	experts in. That is what I'm the expert in, is		
53:19	deciding the impact of those psychological injuries		
53:20	on someone's ability to work and I did that analysis		
53:21	of considering those psychological injuries and how		
53:22	that would affect his future ability to work and		
53:23	what types of jobs he could get.		
53:24	The medical providers tell me what the		
53:25	disability is or what the injuries are and then it's		
54:01	my responsibility to factor that in and how that		
54:02	affects somebody's ability to work.		
54:03	Q. But none of those medical providers		
54:04	have each reached that opinion. Correct? That's		
54:05	just your opinion. Correct?		
54:06	A. Well, they're of the opinion that he		
54:07	has these psychological injuries and then I have to		
54:08	determine how that impacts his ability to work.		
54:09	Q. Dr. Tota, my question is has any of		
54:10	those -- have any of those providers reached the		
54:11	opinion that Mr. Desrosiers is unable to work		
54:12	because of his psychological injuries?		
54:13	A. So I did not read that specifically,		
54:14	that he was unable to work. They also don't try to		
54:15	attempt to say what type of work, if any, that he		
54:16	can do. They merely list the disability.		
54:17	Q. Thank you. I have the same question		
54:18	with respect to Mr. Desrosiers' physical injuries.		
54:19	Did you see anywhere in any of the		
54:20	records a statement by any of the providers or		
54:21	evaluators that Mr. Desrosiers was completely		
54:22	prevented -- prevented from working due to his		

DESIGNATION	SOURCE	DURATION	ID
	54:23	physical disability?	
	54:24	A. No, with the same explanation.	
	54:25	Q. Certainly you're not offering a	
	55:01	medical opinion in this case that Mr. Desrosiers is	
	55:02	completely prevented due to physical or	
	55:03	psychological disability from maintaining any	
	55:04	employment. Correct?	
	55:05	A. That's correct. I did not offer a	
	55:06	medical opinion.	
	55:07	Q. You discussed on direct some	
	55:08	medications that Mr. Desrosiers may be taking.	
	55:09	You have certainly placed people who	
	55:10	take medications for anxiety and depression in jobs.	
	55:11	Correct?	
	55:12	A. Yes.	
	55:13	Q. You're aware, Dr. Tota, that Mr.	
	55:14	Desrosiers elected to end his mental health	
	55:15	treatment completely in June of 2022. Correct?	
	55:16	A. I cannot state for certain, but I do	
	55:17	believe he stopped with the services for a while	
	55:18	because he had pretty much withdrawn from engaging	
	55:19	in different activities and had sort of found a	
	55:20	level of peace, I guess, by doing the things that he	
	55:21	was doing.	
	55:22	Q. Okay. And you have a psychology	
	55:23	background. Correct?	
	55:24	A. Yes.	
	55:25	Q. And you're not offering any psychology	
	56:01	opinions here today. Correct?	
	56:02	A. No.	
	56:03	Q. The last time Mr. Desrosiers engaged	
	56:04	in any mental health treatment or psychological	
	56:05	treatment was in June of 2022. Correct?	
	56:06	A. Yes.	
	56:07	Q. And he didn't engage in any mental	
	56:08	health treatment or psychological treatment in 2023.	
	56:09	Correct?	
	56:10	A. Not that I'm aware of.	
	56:11	Q. And not in 2024. Correct?	
	56:12	A. Correct.	
	56:13	Q. And not up until June of 2025.	

DESIGNATION	SOURCE	DURATION	ID
	56:14	Correct?	
	56:15	A. Right. Not that I'm aware of.	
	56:16	Q. Mr. Desrosiers also stopped physical	
	56:17	therapy in June of 2020. Correct?	
	56:18	A. Yes.	
	56:19	Q. And as far as you're aware, Mr.	
	56:20	Desrosiers didn't engage in any physical therapy	
	56:21	treatment in 2021. Correct?	
	56:22	A. Correct.	
	56:23	Q. And same thing in 2022. Correct?	
	56:24	A. Right.	
	56:25	Q. And same in 2023. Correct?	
	57:01	A. As far as I know, correct.	
	57:02	Q. And same in 2024. Correct?	
	57:03	A. Right.	
	57:04	Q. And at least up until June of 2025.	
	57:05	Correct?	
	57:06	A. Right. That I'm aware of, yeah.	
	57:07	Q. So the physical and psychological	
	57:08	issues that you identified and that your report	
	57:09	relies upon, Mr. Desrosiers is not currently seeking	
	57:10	any treatment for either of them. Correct?	
	57:11	A. So it appears that he's not seeking	
	57:12	any current treatment, but that doesn't necessarily	
	57:13	mean that his injuries, physical or psychological,	
	57:14	have resolved. It's just that he's not actively	
	57:15	seeking treatment.	
	57:16	Q. You learned from your review of some	
	57:17	of the treating records including Dr. Nunziato who	
	57:18	was Doctor -- excuse me, Mr. Desrosiers' former	
	57:19	treating psychologist that Mr. Desrosiers had	
	57:20	expressed that he wanted to return to work and that	
	57:21	he was stir-crazy at home. Correct?	
	57:22	A. I believe so.	
	57:23	Q. The job search that you completed for	
	57:24	Mr. Desrosiers in this case was done on a computer	
	57:25	program. Correct?	
	58:01	A. Right. It's partially on a computer	
	58:02	program and then of course you have to use your own	
	58:03	expert judgment in evaluating the outcomes of what a	
	58:04	computer program will tell you.	

DESIGNATION	SOURCE	DURATION	ID
58:05	Q. And that computer program that you use		
58:06	is SkillTRAN. Is that right?		
58:07	A. Right.		
58:08	Q. SkillTRAN is a program where you enter		
58:09	certain criteria or search factors and the program		
58:10	itself searches the Dictionary of Occupational		
58:11	Titles. Correct?		
58:12	A. Right. It searches -- it searches all		
58:13	occupations to meet the criteria that you put into		
58:14	it.		
58:15	Q. And the Dictionary of Occupational		
58:16	Titles, those are job types or job categories.		
58:17	That's not actually searching the labor market.		
58:18	Correct?		
58:19	A. So the Dictionary of Occupational		
58:20	Titles are actual occupational jobs that are listed.		
58:21	It's an old book, but it still lists -- it has over		
58:22	12,000 different occupations.		
58:23	So it's not searching his area. It's		
58:24	not searching Cambridge or Massachusetts for open		
58:25	jobs. It identifies jobs. Right? And it lets you		
59:01	know what jobs meet your criteria.		
59:02	So it's not a labor market search,		
59:03	it's a search of suitable jobs.		
59:04	Q. And in order to search in SkillTRAN,		
59:05	you chose which filters and which search criteria to		
59:06	apply. Correct?		
59:07	A. That's right.		
59:08	Q. And the filters you applied for Mr.		
59:09	Desrosiers were only sedentary to light work.		
59:10	Correct?		
59:11	A. Correct.		
59:12	Q. Avoiding performing effectively under		
59:13	stress. Correct?		
59:14	A. Right.		
59:15	Q. Avoiding dealing with people.		
59:16	Correct?		
59:17	A. Right. The working in isolation, yes.		
59:18	Q. And must be a job where he is working		
59:19	alone or apart in physical isolation from others.		
59:20	Correct?		

DESIGNATION	SOURCE	DURATION	ID
59:21	A. That's that one. Yes.		
59:22	Q. Okay. Working alone or in physical		
59:23	isolation involves working in an environment that		
59:24	regularly precludes face-to-face interpersonal		
59:25	relations for extended periods of time. Correct?		
60:01	A. Yes.		
60:02	Q. And that's due to physical barriers or		
60:03	distances involved. Correct?		
60:04	A. Yes.		
60:05	Q. And I believe you gave the example on		
60:06	direct of a truck driver. Correct?		
60:07	A. Yes.		
60:08	Q. Dr. Tota, are you aware there's only		
60:09	three jobs total in SkillTRAN that meet the criteria		
60:10	for working alone or apart in physical isolation		
60:11	from others?		
60:12	A. So this conversation's been had and I		
60:13	believe that there's at least three. I have not		
60:14	verified if there's more than three. But I will		
60:15	accept the fact that working in isolation definitely		
60:16	limits the number of jobs, limits that whole circle		
60:17	of jobs that someone may be qualified for. It is an		
60:18	exclusionary criteria.		
60:19	Q. That one filter alone before you apply		
60:20	any other filters results in three jobs total.		
60:21	Correct?		
60:22	A. Yes.		
60:23	Q. Do you know what the other two jobs		
60:24	are that are in the 12,000 or so jobs in SkillTRAN		
60:25	that meet that criteria?		
61:01	A. I don't off the top of my head.		
61:02	Q. The fact is, Dr. Tota, that the		
61:03	limitations or filters that you applied greatly		
61:04	restrained any potential jobs that could pop up for		
61:05	Mr. Desrosiers. Correct?		
61:06	A. That may be the case, yes.		
61:07	Q. And after you applied those filters		
61:08	and ran your searches, zero jobs popped up.		
61:09	Correct?		
61:10	A. That's correct.		
61:11	Q. And after running that search in		

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DESIGNATION	SOURCE	DURATION	ID
	61:12 SkillTRAN, you did not then conduct a manual search		
	61:13 of possible jobs for Mr. Desrosiers. Correct?		
	61:14 A. I'm not sure what you mean by manual.		
	61:15 Q. Sure. You didn't look at the labor		
	61:16 market in greater Boston for possible jobs for Mr.		
	61:17 Desrosiers. Correct?		
	61:18 A. Well, the same criteria would have to		
	61:19 apply to those jobs if I did a manual search. And		
	61:20 if a computer-generated search shows me that there		
	61:21 are no options that meet his vocational background		
	61:22 and his transferrable skills and the limitations		
	61:23 placed on him, then, no, I did not decide to then		
	61:24 look into his job market and see what else there		
	61:25 might be.		
	62:01 Q. SkillTRAN doesn't have work-from-home		
	62:02 jobs. Correct?		
	62:03 A. It doesn't identify a job specifically		
	62:04 as work from home, but of course that would require		
	62:05 clinical judgment to determine if a position is		
	62:06 available, you know, in office or remotely to be		
	62:07 performed at home.		
	62:08 Q. And you didn't contact any employers		
	62:09 with job openings in the greater Boston area to ask		
	62:10 about Mr. Desrosiers or potential work-from-home		
	62:11 accommodations. Correct?		
	62:12 A. I did not do that, no.		
62:22 - 65:10	Tota, Romy 2025-06-30	00:03:30	RomyTota-edited fortrial.7
	62:22 ATTORNEY DEVINE: I have no further		
	62:23 questions, Dr. Tota. Thank you very much.		
	62:24 THE WITNESS: Thank you.		
	62:25 -- REDIRECT EXAMINATION --		
	63:01 BY ATTORNEY ZIMMERMAN:		
	63:02 Q. Dr. Tota, I just have a few		
	63:03 follow-ups.		
	63:04 A. Okay.		
	63:05 Q. Why was it important for you to limit		
	63:06 potential jobs for Mr. Desrosiers with filters as it		
	63:07 was called?		
	63:08 A. So that helps discern what's truly		
	63:09 available for someone given his conditions. The		

DESIGNATION	SOURCE	DURATION	ID
63:10	filters only exclude jobs that he would not be able		
63:11	to perform whether it be physically or we also have		
63:12	cognitive demands and you can do it through those		
63:13	worker traits. That's why it's important to		
63:14	identify them in the beginning that those are a way		
63:15	to exclude jobs that based on the medical records he		
63:16	should avoid certain situations.		
63:17	So putting those filters on provides a		
63:18	clear-cut way to see what jobs would be reasonable		
63:19	for him to perform or not.		
63:20	Q. I'll show you again Exhibit 702, the		
63:21	demonstrative.		
63:22	Were some of these injuries and		
63:23	symptoms that were identified the reasons for		
63:24	needing to place certain filters on what jobs were		
63:25	appropriate for Mr. Desrosiers?		
64:01	A. Yes. You know, that is merely a		
64:02	listing of symptoms and injuries. Right? But also		
64:03	in the medical records, the medical providers made		
64:04	statements that, for instance, one of his		
64:05	psychological providers said that he should avoid		
64:06	any similar situations and that was, you know,		
64:07	situations similar to police work in Cambridge.		
64:08	So these -- so whether it's from that		
64:09	list or whether it's from data that was gathered		
64:10	from the medical records, you know, that's where		
64:11	those filters and placing those filters come into		
64:12	play because it was preempted by what medical		
64:13	providers were stating about Mr. Desrosiers.		
64:14	Q. What were some of the injuries that		
64:15	are listed here that made you believe it was		
64:16	appropriate to put a filter of working in isolation?		
64:17	A. I'm just reading through the list		
64:18	here.		
64:19	The fact that he preferred to be		
64:20	socially withdrawn, that he had a sense of		
64:21	vulnerability in the public, that he felt unsafe in		
64:22	public, that he was emotionally overreactive, that		
64:23	he was easily irritated or angered.		
64:24	These are situations that would not be		
64:25	conducive of a position that involved working with		

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DESIGNATION	SOURCE	DURATION	ID
	65:01 the public.		
	65:02 Q. Before this incident, did you have any		
	65:03 evidence that he exhibited those symptoms?		
	65:04 A. Before this incident, there was no		
	65:05 evidence of any concerns or issues of that. The		
	65:06 medical records pre-injury didn't discuss anything		
	65:07 like that and certainly Mr. Desrosiers'		
	65:08 effectiveness on the job did not allude to any		
	65:09 problems working with the public. Quite the		
	65:10 opposite. He enjoyed working in the public.		
66:08 - 67:07	Tota, Romy 2025-06-30	00:01:07	RomyTota-edited fortrial.8
	66:08 Q. Dr. Tota, you were asked about the		
	66:09 opinion of Mr. Desrosiers' medical providers.		
	66:10 There was only one medical provider		
	66:11 who determined whether or not Mr. Desrosiers could		
	66:12 return to work as a police officer. Correct?		
	66:13 A. Well, he did do a fitness to return to		
	66:14 work evaluation for the police force and they found		
	66:15 him to be unfit to return as a police officer.		
	66:16 Q. Now did any of these providers go the		
	66:17 other step or the next step and attempt to identify		
	66:18 other jobs that Mr. Desrosiers could perform?		
	66:19 A. That was never discussed in any of the		
	66:20 medical reports nor would I expect it to be because		
	66:21 that's really outside the purview of what a medical		
	66:22 provider would do.		
	66:23 What a medical provider would do is		
	66:24 tell me with what residual limitations this		
	66:25 individual was living.		
	67:01 Q. Would those residual limitations, is		
	67:02 that what you utilized to go the next step in		
	67:03 forming your opinion?		
	67:04 A. Correct.		
	67:05 Q. Dr. Tota, I want to thank you for your		
	67:06 time.		
	67:07 A. Thank you.		

Our Designations

01:12:07

TOTAL RUN TIME

01:12:07